

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

LEONARDO LARCK,	)	
	)	
Petitioner,	)	
	)	
v.	)	CASE NO. CV418-178
	)	CR415-027
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	
	)	

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**O R D E R**


Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 13), to which objections have been filed (Doc. 19), as well as Petitioner's Motion to Amend his habeas petition (Doc. 17).<sup>1</sup> The Magistrate Judge recommended that the Petitioner's 28 U.S.C. § 2255 habeas petition be denied. (Doc. 13 at 14.) However, Petitioner has since filed a motion seeking to amend his 28 U.S.C. § 2255 petition to add a claim based on the United States Supreme Court's recent decision in Rehaif v. United States, 139 S. Ct. 2191, 2194, 204 L. Ed. 2d 594 (2019). (Doc. 17 at 1.) The Government has responded to Petitioner's motion and does not oppose it. (Doc. 20 at 1.)

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<sup>1</sup> Unless otherwise stated, all citations are to Petitioner's civil docket on this Court's electronic filing system, CV418-178.

Accordingly, Petitioner's Motion to Amend (Doc. 17) is **GRANTED**. As a result, this Court **DECLINES TO ADOPT** the Report and Recommendation, and **REMANDS** this case to the Magistrate Judge to assess the petition as amended. The Court notes that Petitioner has filed a Supplement to Memorandum in Support of Motion Pursuant to Title 28 U.S.C. § 2255. (Doc. 21.) From this Court's review, it appears that Petitioner intends for the Supplement to serve as his amendment. However, should Petitioner intend and desire to file an amendment on his Rehaif claim, Petitioner must file such amendment **within thirty (30) days** of the date of this Order. Should Petitioner fail to do so, Petitioner is advised that this Court will construe his Supplement to Memorandum in Support of Motion Pursuant to Title 28 U.S.C. § 2255 (Doc. 21) as his amendment. The Government is **DIRECTED** to respond to Petitioner's petition, as amended, **within thirty (30) days** of such filing or **within sixty (60) days of the date** of this Order, whichever occurs first.

SO ORDERED this 15<sup>th</sup> day of September 2020.

  
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WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA